

**2005 DRAFTING REQUEST**

**Bill**

Received: **10/05/2004**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Rogers**

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Addl. Drafters:

Subject: **Education - handicapped ed.**

Extra Copies: **PG**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

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**Pre Topic:**

DOA:.....Rogers, BB0153 -

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**Topic:**

High-cost special education

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	mlief 10/08/2004	jdyer 10/12/2004	rschluet 10/12/2004	_____	lnorthro 10/12/2004		S&L
/2	mlief 10/14/2004	jdyer 10/15/2004	rschluet 10/15/2004	_____	lemery 10/15/2004		S&L
/3	mlief 01/21/2005	lkunkel 01/21/2005	rschluet 01/21/2005	_____	mbarman 01/24/2005		

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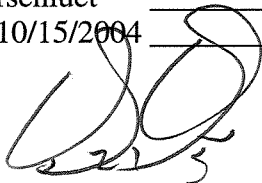
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***LRB-0423***

10/12/2004 09:37:09 AM

Page 2

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**Topic:**

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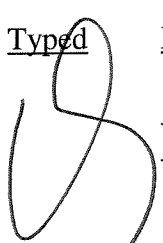
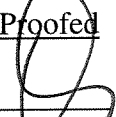
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FE Sent For:

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10  
12  
4 PB

## 2003-05 Budget Bill Statutory Language Drafting Request

- Topic: High-Cost Special Education Initiative
- Tracking Code: BB 0153
- SBO team: Education, Workforce, and Local Government
- SBO analyst: Amanda Rogers
  - Phone: 6-1923
  - Email: amanda.rogers@doa.state.wi.us
- Agency acronym: DPI
- Agency number: 255



**DEPARTMENT OF PUBLIC INSTRUCTION  
2005-07 BIENNIAL BUDGET  
DRAFTING REQUEST TO THE LEGISLATIVE REFERENCE BUREAU**

☒ Draft for Possible 2005-07 Budget Bill Introduction (*Agency Decision Item No. 5502*)

**Subject:** High-Cost Special Education Initiative

**Request Date:** September 15, 2004

**Agency Contact:** Stephanie Petska, 266-1781  
Gayle Krueger, 266-3892

**Brief Description of Intent:**

Establish a new categorical aid program for the cost of educating children with high-cost special education needs, including children who need nursing services and assistive technology. These expenses are currently not eligible for reimbursement under the special education categorical appropriation.

**Related Stat. Citations:**

Create a new section in statute to establish a categorical aid program for high-cost special education expenses as follows:

- Eligible applicants would be school districts, Cooperative Educational Service Agencies (CESAs), County Children with Disabilities Education Boards (CCDEBs) and charter schools established under s. 118.40 (2r), Wis. Stats.
- Eligible costs would be all costs (except administration) related to educating a high-cost student with special educational needs, including those related to nursing services and assistive technology, that are not currently eligible to be reimbursed under 20.255 (2) (b), Wis. Stats.
- Costs reimbursed by (1) federal Individuals with Disabilities Education Act (IDEA) funding, (2) Medicaid, and (3) state special education funding under 20.255 (2) (b), Wis. Stats., would be deducted prior to the aid being calculated.
- Reimbursement would then be calculated at 90 percent of the amount by which the total cost of providing special education and related services to an individual child exceeds \$30,000 in the prior year.
- Funding received would be outside state revenue caps.

Create a new GPR appropriation as follows:

- Section 20.255 (2) (bd), Wis. Stats., Aid for high-cost special education. Appropriate \$5,000,000 in FY06 and \$5,000,000 in FY07.

*hc - total unreimbursable cost exceeds 30,000*

*20 USC 1400k  
et seq*



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0423/1

MJL:.....

SOON

JLd

DOA:.....Rogers, BB0153 - High-cost special education

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

do not gen

1 AN ACT ...; relating to: the budget. ✓

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*Analysis by the Legislative Reference Bureau*

EDUCATION ✓

PRIMARY AND SECONDARY EDUCATION ✓

Under current law, a school board, board of control of a cooperative educational service agency, county children with disabilities education board, or an independent charter school established by the University of Wisconsin-Milwaukee, the University of Wisconsin-Parkside, Milwaukee Area Technical College, and the City of Milwaukee is eligible to receive state aid for certain special education costs, such as salaries for special education personnel and transporting children with disabilities. Other costs, such as providing nursing care or assistive technology for children with disabilities, are not reimbursable under state or federal law. This bill provides state aid for these costs equal to 90 percent of the amount by which these costs exceeded \$30,000 per child in the previous year. ✓

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill. ✓

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 SECTION 1. 20.255 (2) (bd) of the statutes is created to read: ✓

1 20.255 (2) (bd) *Additional special education aid*. The amounts in the schedule

2 for aid under s. 115.88<sup>①</sup>

3 **SECTION 2.** 115.881 of the statutes is created to read:

4 **115.881 Additional special education aid.** (1) A school board, board of  
5 control of a cooperative educational service agency, county children with disabilities  
6 education board, or operator of a charter school established under s. 118.40 (2r) may  
7 apply to the department for aid under this section if the applicant incurred, in the  
8 previous school year, more than \$30,000 of non-administrative costs for providing  
9 special education and related services to a child and those costs were not eligible for  
10 reimbursement under ss. 115.88, 115.93, 118.255, 20 USC 1400 et seq., or federal  
11 medicaid.

12 (2) For each child whose costs exceeded \$30,000 under sub. (1), the department  
13 shall, from the appropriation under s. 20.255 (2) (bd), pay an eligible applicant in the  
14 current school year an amount equal to 0.90 multiplied by that portion of the cost  
15 under sub. (1) that exceeded \$30,000.

16 (END)



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0423/X<sup>2</sup>

MJL:jld:rs

SOON

DOA:.....Rogers, BB0153 - High-cost special education

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the budget.

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**PRIMARY AND SECONDARY EDUCATION**

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2

SECTION 1. 20.255 (2) (bd) of the statutes is created to read:

1           20.255 (2) (bd) *Additional special education aid.* The amounts in the schedule  
2           for aid under s. 115.881.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

3           **SECTION 2.** 115.881 of the statutes is created to read:

4           **115.881 Additional special education aid.** (1) A school board, board of  
5           control of a cooperative educational service agency, county children with disabilities  
6           education board, or operator of a charter school established under s. 118.40 (2r) may  
7           apply to the department for aid under this section if the applicant incurred, in the  
8           previous school year, more than \$30,000 of nonadministrative costs for providing  
9           special education and related services to a child and those costs were not eligible for  
10          reimbursement under s. 115.88, 115.93, or 118.255, 20 USC 1400 et seq., or federal  
11          medicaid.

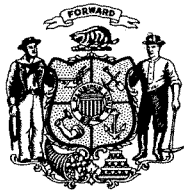
12          (2) For each child whose costs exceeded \$30,000 under sub. (1), the department  
13          shall, from the appropriation under s. 20.255 (2) (bd), pay an eligible applicant in the  
14          current school year an amount equal to 0.90 multiplied by that portion of the cost  
15          under sub. (1) that exceeded \$30,000.

(END)

16



If the appropriation under s. 20.255 (2) (bd) <sup>amount</sup> is insufficient to pay the full amount of costs under sub. (2), the department shall prorate payments <sup>among</sup> eligible applicants.



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0423/2

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DOA:.....Rogers, BB0153 - High-cost special education

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*  
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**PRIMARY AND SECONDARY EDUCATION**

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Beginning in  
the 2006-07  
school year,

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(2) For each child whose costs exceeded \$30,000 under sub. (1), the department shall, from the appropriation under s. 20.255 (2) (bd), pay an eligible applicant in the current school year an amount equal to 0.90 multiplied by that portion of the cost under sub. (1) that exceeded \$30,000.

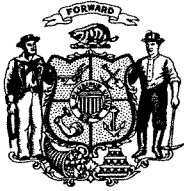
(3) If the appropriation under s. 20.255 (2) (bd) is insufficient to pay the full amount of costs under sub. (2), the department shall prorate payments among eligible applicants.

(END)

sec. 9437. Effective date; public instruction.

(1) The creation of sections 20.255(2)(bd) and 115.881 of the statutes takes effect on July 1, 2006.

High-Cost  
Special  
education.



State of Wisconsin  
2005 – 2006 LEGISLATURE

LRB-0423/3  
MJL:jld&lmk:rs

DOA:.....Rogers, BB0153 – High-cost special education

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1     **AN ACT ...; relating to:** the budget.

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17           (3) If the appropriation under s. 20.255 (2) (bd) is insufficient to pay the full  
18 amount of costs under sub. (2), the department shall prorate payments among  
19 eligible applicants.

20           **SECTION 9437. Effective dates; public instruction.**

21           (1) **HIGH-COST SPECIAL EDUCATION.** The creation of sections 20.255 (2) (bd) and  
22 115.881 of the statutes takes effect on July 1, 2006.

23                           **(END)**